Previous references.

1904-05
(Rev. Mis.)

File No. 592 Z03-01

Serial Nos. 1—6

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 6.

Part B. for January 1905

SUBJECT.

Repairs to the Mugalihalli minor tank in the Nelamangala Taluk

FILE No. 592 of 1903-04.

Repairs to the Mugalihalli minor tank in the Nelamangala Taluk.

1	From the Chief Engineer, in Mysore, No. 3423, dated 30th June 1903. Forwards copies of correspondence *re* sanctioning the estimate amounting to Rs. 542 for repairing the Mugalihalli minor tank in Nelamangala Taluk.
2	To the Revenue Commissioner, No. R. 402, dated 3rd August 1903. Requests to ascertain from the Deputy Commissioner what the raiyats have stated in the matter and to forward the Deputy Commissioner's report with the Revenue Commissioner's opinions on the matter and the entire correspondence connected with the case.
3	From the Revenue Commissioner, No. 2230, dated 9th September 1904. Recommends that the raiyats may be absolved from hearing a portion of the cost of repairs to Mugalihalli tank in Nelamangala Taluk.
4	To the Revenue Commissioner, No. 3476—592-03-04, dated 15th October 1904. Requests to forward the Deputy Commissioner's letter No. 175, dated 2nd August 1904.
5	From the Revenue Commissioner, No. 3553, dated 3rd November 1904. Forwards the Deputy Commissioner's letter above referred to.
6	To the Revenue Commissioner and Chief Engineer, Government Order No. R. 6537-8, dated the 27th January 1905. Directs that the entire cost of repairs to the Mugalihalli tank, be borne by Government since the raiyats were not given an opportunity of working up the bund.

OFFICE OF THE DEWAN OF MYSORE

REVENUE AND GENERAL DEPARTMENTS.

File no. 5927 / 03

Short Office Note.

No. and date of letter, from whom, catch words to denote nature of Subject should be stated, in red ink.

One form may be used for more than one letter of the same file as long as there is space. The Office Note should be in black ink. Write only on side of this form.

*Subject

5423 & 30-6-03 from the Chf. Engr. regarding the repairs to the Imgalibanelli tank in the ~~Kasaba~~ Nelamangala Taluk

Note

This Minor tank which had been brought to standard by the D.P.W. & handed over to the Ryots for upkeep was grossly neglected by them and called upon to repair the same or pay the cost they refused to do either - As the Salem - Bellary Road passes over upon the bund of the tank, it is impera that the repairs should be taken in hand by D.P.W. & that the cost of Earth-work, kurping &c. be recovered from the Ryots as a Revn. demand. Accordingly, the D.C., Bangalore, referred the ma to the Chf. Engineer who having accorded sanc to the entire estimate of Rs. 543/- directed the Executive Engr., Bangalore Divn., to take the wo in hand & forwarded to this office the correc- the matter for necessary orders being issued recovering the cost of Earthwork &c. from the Ry as a Revn. demand.

Submitted with a draft Post up the 7/7/03.

Standing order on the
Subject

11/7/03

× put up.
Please see para 6.

What the Rpts have stated
in the matter is not-
Clear - The Kannada
papers have not been
sent up - A report -
from the Dr Comr on
the point - together with
the connected papers
may be called for.

Sd/- D Mukherjee

28/7/03

Write to the Rev Comr & get a
report with his opinion

29/7/3

draft submd
K.B. 31/7.

General and Revenue Secretariat.

File No. 592 of 1903-04

Serial No.

2 To. The Res Commr in Mysore
No. R402 & 3-8-903.
Forwards copies of correspondence on the subject and requests him to ascertain from the Deputy Commr and report what the Raiyats have stated in the matter &c.

3. From the Res Commr in Mysore
No: 2230 & 9/16 "dtd 7 Feb 1904 -
Recommends that the ryots may be absolved from bearing a portion of the ~~bal~~ cost of repairs to the tank in question & forwards the entire records.
On an examination of the records, it appears that the Mayakalli tank is situate in Nelamangala taluk over which passes the ~~main road from Bangalore to Madras~~ Bellary road. Owing to the cracks in the bunds of the tank, water

NOTE.—Contn. sheet.

MGCPB—10,000—31-8-04.

Serial No.

passed out of the tank and thereby endangered the public roads

On the 5th Jan'01, Mr K.R. Sreenivasa Iyangar, Assistant Commissioner then in charge of the Sub division inspected the tanks and found the circular Kadi wall of the tank leaking and directed the amildar to examine the leakages in consultation with the local officers of the Public Works department

The Sub Division officer of the Public Works Department to whom the estimate prepared by the tank Inspector of the taluk was sent for being checked, forwarded a fresh estimate to the amildar and observed that the work had to be undertaken by the Revenue department as the tank was a minor one

Hyp x. V+ Pj.

It appears from the records and the Deputy Commissioner's letter RC. 175, that both the amildar and Assistant Commissioner in charge of the Sub Division recommended the

Hyp x. & u

Hyp x + z

Serial No.

that the repairs of the tanks should be undertaken by the Public Works Department in as much as an important road running to Bellary and Salem passes over the bund of the tanks, rather than that they should be left to be done by the Ryots of the Village.

But the Deputy Commissioner seems to have communicated with the Public Works department. And on the report of the Officers of the Public works Department that the tanks were Cost repaired by the Public works Department in 1880 and was given over to the Revenue department for the annual upkeep Since the tanks was a minor one, the Deputy Commissioner got the Chief Engineer Sanction the work and directed the amildar to recover a portion of the Cost from the Ryots as Revenue demand.

Ans. X + R.

On further enquiring on the matter, no records are forthcoming to show that the tanks was ever given over to the Revenue

Ans. Q

Serial No.

Department will be maintained
On the other hand there
was strong protest from the ryots
that they would not tender any
help towards the repair of the
Hyf. P Tanks. Since the main road passes
over the bund of the Tank and also
that the works of the Tank were
yearly done by the Public works
department.

Mr V. P Mathavaraa, the late
Revenue Commissioner has
~~expressed very strongly in favour~~
~~of the Ryots and has said~~
Hyf. Q rejected in strong terms
~~that~~ that it would not be
just to throw the burden of repair
on the Ryots

The present Revenue Com-
Commissioner also expresses
Verbally the same opinion that it seems to
Hyf. N him under all the circumstances
of the Case, that the Ryots may
be absolved from bearing any
portion of the Cost of repairs
Submitted for orders.

28th Nov. '04. The question is
T K whether the ryots should

MGCPB—20,000—1-11-04.

Serial No.

be made to pay for the cost of repairing the bank which was clearly understood on account of the safety of the road. The obligation of the ryots was only to maintain the slopes in good order as the road passes over the land. The D.C. to have to attend to it. The ryots have refused to perform this part of the work & have also refused to do so when called upon by the Rev. Commr. The total cost of earth-work, turfing &c which the ryots are required to pay is Rs 246-8. Whether this represents the cost of making the bank & the slopes or the land also is not clear. The ryots cannot be liable for the work done to the land. Considering the circumstances under which the repairs were undertaken there seems to be considerable force in the recommendation of the Rev. Commr. The Chief Engineer may however be consulted before passing final order.

K.
29/11/04

Submitted to the Dewan Sahib for orders. As there is a public road on the bund, it is for the P.W.D. to maintain it, the ryots doing only the turf

Serial No.

Work may not be called on the 1st to pay for the turf work done by the P.O.D.?

2.12.1904

3078

3158/3.12 Specular memos are useless. All the Engineer report what part of the earthwork represented the maintenance of the bund by the Rajah - & what the maintenance of the road - Was the former the alone the Rajah's maybe made liable - As there is a road running along the bund the two works must be distinguished - and the amount specified - The Dist Officers now have a confused idea of what is expected of them in this respect. If the Rajah's had failed to do their work it is the duty of the new Officers to have brought that matter to their notice and given them an opportunity of remedying their omission - As remarked the late Revenue

MGCPB—10,000—19-5-04

G.R.S. 12]

General and Revenue Secretariat.

File No. 592 of 1903-04

Serial No.

"The P.W. Govt has undertaken the responsibilities without due consideration for the facts of the case - His Excellency's advisers have not given consideration

I submit this facility to the particular case as the road passes over the bund &

I do not know why the Secretariat has endeavoured to distinguish between the work of the Road & the bund - Where is this difference laid down? Care must be exercised in writing note. As the Rights were subservient on Working of working up the bund. I am afraid no money can be levied from them now

5.XII.04

W-0110 592-16-12-04

Forwarded unofficially to the Secretary to Govt in P.W. Dept for favor of supplying the information wanted by the Diwan Saheb

6-12-1904

Secy to Govt in the Govt Dept

Rd at 5 P.m. 7th Dec.

Ten offl no 42 dtd 8-12-04 P.W.D.

Returned to the Secy to Govt in the Jud. & Revn depts, with the information that the Exr-Engineer, Bangalore Div, reports

47

NOTE—Contn. sheet.

MGCPB—10,000—31-8-04.

G.R.S. 12]

General and Revenue Secretariat.

File No

Serial No.

that for the better upkeep of the Salem-Bellary Road running over the bund of the tank, & for its sides as well, earth work are necessary and that the repairs to the weir are also necessary for the stability of the road bridge across the weir Channel. In these circumstances, I consider that the entire cost of the repairs, including the earthwork, should be borne by Govt.

N. Dutt Gudalur

Secy to the Govt of Mysore Bangalore

Bangalore 3.1.05

Issued 4/1/05

Submitted for orders of the Secy

T.R.S. 4/1/05 7.1.05 9.1.05

Submitted for the Devan Saheb with draft

T.R.S. 20/1/05

Submitted with a draft for approval of Secy

T.R.S. 19.1.05

Mr draft requires amendment

4218/20-1-05. When a road passes over a bund it is deemed that the authorities in charge of the road will do the needful in keeping up the top of the bund. But the slope will always have to be maintained by the ryots. This work may include both earth & stone work.

Revise the draft and submit 23.1.1905 Draft submitted 24.1.1905 21.1.05

MGOPB—20,000—1-11-04.

Serial
No.

G. O. R. 6537-8/Mis 5-92-0376
d: 27 1. 05

Doreeb that the entire
Cost of repairs of the Mysore tanks, hitherto by Government and Ryots were not given an opportunity of working up the bund

MGCPB—20,000—1-11-04.

Diary No. 12 of 1903-04

Mysore P.W.Department

Central office

No. 3421 Dated Bangalore, 30th June 1903.

From, W. McHutchin Esq. M.I.C.E.,
The Chief Engineer of Mysore.

To,

The Deputy Commissioner, Bangalore District.

With reference to his letter No. F.609 dated 19th instant, has the honor to inform the Deputy Commissioner that under the circumstances now represented the estimate received with his No. 566 of 28th ultimo, for repairing the Mugalihalli Minor Tank in Nelamangala Taluk, is herewith returned duly sanctioned for ₹ 543/-, the cost of earthwork, turfing &c., viz., ₹ 243/- being debited to the Civil Department for recovery from the ryots as a revenue demand, as recommended by Mr. Sparkes.

2. The work may be carried out by the Executive Engineer Bangalore Division, as proposed.

3. The file of vernacular papers, received with the letter under reply, is returned.

(Sd) W.Mc Hutchin.

Chief Engineer of Mysore.

No. 3423 (1)

Copy of above together with copy of Bangalore District, Deputy Commissioner's No.609 of 19th instant, forwarded to the N.V. Ramunadayya Esq. M.A. Mad. Leg. & Govt. Gultkhana Depts., for information.

Bangalore
30-6-03.

W. McHutchin

Chief Engineer of Mysore.

3 F. no 592 Gre II 1903-4 Si. no 2/2

Office Draft. (Docket.)

Mysore Dewan's Office,
Branch.

To

the Rev: Comr: in
Mysore

Date of passing the draft
Date of despatch

D

Regd. No. R 402 dated 3-8-03.
File No. & date (if any) 3

No. of Encls. two:

In forwarding herewith ~~the~~ copies of the marginally noted correspondence regarding the repairs to the Nugalihalli tank in the Channapatna Taluk, has the honour to request the Rev Comr in Mysore to be so good as to ascertain from the Dy. Comr Bangalore ~~from~~ what the Ranjits have stated in the matter. & ~~the same to this office with his opinion in the matter.~~

By order

31/7/03
for Secretary

609

1 Letter no: ~~6616~~ 6/6.03 from the Dy. Comr, Bangalore dt: to the Chf.- Engr: in Mysore

2 Letter no: 3421 & 30.6.03 from the Chf: Engr: to the Dy: Comr: Bangalore dt:, forwarded with his memo: no: 3423 & 30.6.03 to the Sl: & Rev: Secretary to Govt: of Mysore.

to forward the Dy Comrs report with the Rev Comrs opinion. The entire Corr: connected with the case may also be sent up.

V. 8/7/03

2171/W No. 2230

4

OFFICE OF THE REV. COMR. IN MYSORE,
Bangalore....9th September....1904

FROM T. ANANDA ROW, ESQ., B. A.,
Revenue Commissioner in Mysore.

To

The Secretary to the Government of His Highness
the Maharaja of Mysore,
General & Revenue Departments.

SIR,

With reference to your Docket No. R 402 dated 3rd August 1903 forwarding copies of correspondence regarding the repairs to the Mugalihalli Tank in the Nelamangala Taluk and requesting me to ascertain what the ryots have stated in the matter and to state my opinion, I have the honor to forward herewith in original letter No. 175 dated 31-10-03 and R C 37 dated 2nd August 1904 (with one file enclosures) respectively from the Deputy Commissioner, Bangalore District, submitting reports on the subjects.

2, It seems to me under all the circumstances of the case, that the ryots may be absolved from bearing a portion of the cost of repairs

3. A copy of the opinion recorded by Mr. V.P. Madhava Rao C.I.E. my predecessor in office found in the file is also enclosed for information of Government. I have the honor to be,

Sir,

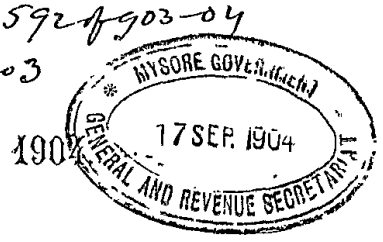
Your most obedient servant,

For *Revenue Commissioner.*

A.N.

Rev Dept 719 Rev Mis 11/9

Rho 592 of 903-04
Sec No 3



From

T. ANANDA ROW, Esq., B. A.

Revenue Commissioner
in Mysore,

To

The Secretary to Government of
H. H. the Maharaja of Mysore,
General & Revenue Departments.

Dated 9th September 1904.

Despatched 16.

Received

No. 2230

Enclosure No. 24 1/5th W.P.

Recommending that the ryots may be absolved from bearing a portion of the cost of repairs to Mugalihalli Tank in Nelamangala Taluk.

5

Opinion of Mr. V.P. Madhava Rao C.I.E.

The estimate was in connection with repairs to the waste weir which is distinctly a P.W.D. work. The road being under the charge of the P.W.D, the ryots should not be allowed to tamper with it. The earth-work now proposed to be charged to them is the result of cumulative neglect and I would deprecate the ryots being made solely responsible for it. The Deputy Commissioner has undertaken the responsibilities without I fear due consideration of all the facts of the case. It is easy enough to forfeit the lands of the ryots and sell them for any amount which the Deputy Commissioner and the P.W.D. may be found to be due from the ryots but this is neither equitable nor just. I apologise to Government for writing in such strong terms.

"COPY"

For Revenue Commissioner.

A.N

16 1904. Fl No 592/03
S. No 4

From

Secy. to the Govt. of His Highness the Maharaja of Mysore, Genl. and Rev. Depts.

To The Rev Commr in Mysore

Dated 15th Octr 1904

Despatched 15

Received

General No. R3476

No. Revs. 592-03-4

Enclosure No. Nil

In reference to this No. 2230 & 9/16 9th Septr 1904 forwarding a file of Correspondence re the recovery of the Cost of ryots' portion of work towards the repairs to Nugalibalii tank, Nelamangala Talk

As letter No 175 & 2nd Augt 1904 said to have been sent as an enclosure with the above has not been received in this

G. R. S. 29A

office, has the honor
to request that the
same may be forwarded
at an early date

B O

for Secretary
11/10/04

7/10/04

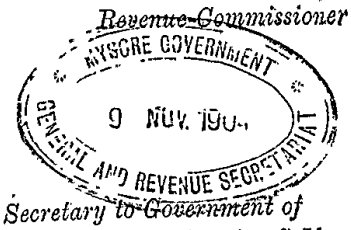
7/10

Issued 14.10.04

Issued 14/10

From

T. Ananda Row Esquire B.A
Revenue Commissioner in Mysore.



To

The Secretary to Government of
H. H. the Maharaja of Mysore,
General & Revenue Departments.

Dated 3rd

Despatched 5 November 1904

Received

General No. 3553

No.

ENCLOSURE: No. One.

His Docket No. R.3476
Mis.592-03-4

dated the 15th October 1904, requesting to forward Bangalore Deputy Commissioner's letter No.175 dated the 2nd August 1904, said to have been sent with this Office No.2230 dated the 9/16th September 1904 but not received in the Secretariat.

------00------

Has the honor to forward herewith the Deputy Commissioner's letter above referred to.

For Revenue Commissioner.

K.A.R.

MGOPB—4-4-04—1000.

G.R.S. 28]

File No. 552/03
Serial No. 6.

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(R. M.)

READ.—

Correspondence ending with the Rev: Comrs letter no 35-53 of the 3rd Nov/04 in re the recovery of the cost of repairs done to the Mugali-halli tank in the Nelamangala Taluk

Exhibits

the 190

Date of issue 27-1-05

Signed by [illegible]

ORDER THEREON.—No. R 65 37-8
mis 592-03-6
dt 27th Jan. 05

The Salem-Bellary high road runs over the bund of the Mugali-halli tank situated in the Nelamangala taluk. Owing to the neglect of the ryots to repair & maintain the bund of the tank, the

over

Upon 26-1-05

SUBJECT

Decide that the entire cost of repairs of the Mugalihalli tank, be borne by Government since the ryots were not given an opportunity of working up the bund.

Rec'd 24/1/05 by hand 25/1/05

MGCPL—9,000—11-9-04

road passing over it was found to be in a dangerous condition. Some correspondence having ensued on the subject between the Bangalore Deputy Comr and the P. W. D, an estimate for Rs. 563 for repairing the ~~bund~~ bank was finally sanctioned by the Chief Engineer on the understanding that, as agreed upon by the Deputy Commr, the cost of the earth-work & turfing which the ryots refused to do, viz Rs 245, ~~to be debited~~ be debited to the Civil Deptt for recovery from the ryots as a revenue demand. The Chief Engineer having intimated to the Govt the action taken by him in the matter, the Revenue Comr was requested to obtain a report from the Deputy Comr of Bangalore as to what the ryots had to say & submit the same with his opinion. It is now ascertained that the tank in question, which is a minor one, was restored by the P. W. D at a cost of Rs 640

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

in the year 1880 & that no records are available to show when and to whom the tank was handed over.

2. The ryots, it is reported, refused to do the earth-work on the ground that ever since the high road was opened on the tank-bund, the maintenance work of the tank was done by the P.W.D. There is some force in the contention of the ryots. But the ryots cannot be relieved from the obligation devolving upon them in respect of the maintenance of the bund as Govt consider it to be most undesirable to do anything which would have the effect of weakening the general rule relating to such obligations. As, however, the road passes over the bund it is desirable that the Authorities in charge of the road should do the needful to keep up the top of the bund. But this cannot in any way exempt the ryots from the liability to maintain the slope of the bund, which may include both earth and turf works

3. On a consideration of all the circumstances of the case the Govt resolve to accede to the ryots' (as a special case)

Mugalihalli village as exceptionally liberal treatment which should under no circumstances be regarded as a precedent in future cases of maintenance of the bund and accordingly direct that the entire cost incurred for the repairs in question be borne by Govt.

3. The Revenue Commr is of opinion that under the circumstances of the case the ryots may be absolved from their liability to bear any portion of the cost of the repairs done to the tank. The Chief Engineer is also of the same opinion.

4. Govt regret to observe that the Deputy Commissioner undertook responsibilities without due consideration of all the facts of the case. The ryots were not given an opportunity of working up the bund. If they had failed to do their work it was the duty of the Revenue officers to have brought that matter to their notice & given them an opportunity of mending their omission.

5. On a consideration of the above circumstances of the case, Govt have resolved to ~~record, as a special case to the ryots of the Mugalihalli village, this exceptionally liberal treatment which should under~~

G.R.S. 27.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

~~No circumstances be regarded as a precedent in future cases of misunderwall of the bund and accordingly~~ direct that the future cost of the repairs in question be borne by Govt

24.1.1905
Secretary

2d

The Revenue Commissioner in
with the enclosures of his
The Chief Engineer in Mysore

Encl
25/1/05